

II. REMARKS

TELEPHONE INTERVIEW OF OCTOBER 26, 2006

Applicant would like to express gratitude to Examiner Willmon Fridie, Jr. for his assistance and cooperation during the telephone interview of October 26, 2006, that was attended by the Phil Chakiris, a representative of the assignee and the undersigned counsel of record for the Applicants. During the interview, the pending Office Action and the Ramsburg reference was discussed, as were general comments regarding proposed amendment language.

During the interview, Applicant's representatives presented Examiner Fridie with their view of the Ramsburg reference and its limitations, as well as distinguishing features of the instant application, primarily focusing on the aperture and what is visible through the aperture. Although no agreement was met, Examiner Fridie appeared to look favorably upon Applicant's arguments.

Again, Applicant and representatives would like to thank Examiner Fridie for his assistance.

OVERVIEW

Claims 1-13, and 16-19 are pending in the present application. Claim 19 has been amended by present amendment to clarify that at least a portion of the second lateral portion comprises a data card. Applicants respectfully submit that no new matter is added by this amendment, and that the amendment finds support in the specification at least at paragraphs [0013], [0015], [0018]. New claim 20 has been added by present amendment.

Claims 1-10, 12, 13, and 16-19 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 5,667,247 to Ramsburg et al. ("Ramsburg"), and claim 11 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Ramsburg et al. in view of U.S. Patent No. 5,511,114 to Stimson et al. Applicant respectfully traverses these rejections and requests consideration of same.

**35 U.S.C. 102(B) REJECTIONS, ALLEGED ANTICIPATION BY
RAMSBURG (U.S. PATENT 5,667,247)**

A. Independent Claim 1 Is Not Anticipated by Ramsburg

1. Independent Claim 1

Claim 1 recites, in part, “wherein at least one of the base portion and first lateral portion contain an aperture and wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position and the first lateral portion is in the covering position.”

2. Ramsburg

Ramsburg discloses an assembly for a telephone debit card formed by folding a sheet of paper into three panels, one of which has a cutout with adhesive adjacent to it. The cutout is positioned such that a portion of the telephone debit card can be visible during processing to allow verification.

3. Ramsburg Does Not Disclose, Teach, or Suggest Claim 1

Ramsburg does not disclose, teach, or suggest independent claim 1 of the present invention. Claim 1 of the present invention recites, *inter alia*, “a base portion...a first lateral portion...[and] a second lateral portion...wherein at least one of the base portion and the first lateral portion contain an aperture; and wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position.” The Office Action asserts that Ramsburg discloses claim 1 in that the base portion is depicted by element 64, the first lateral portion is depicted by element 65, and the second lateral portion is depicted by element 63. It is these alleged equivalents in the Office Action that allows the Office to state that the specific folding and adhesive arrangement is anticipated by Ramsburg.

Claim 1 requires an aperture in “at least one of the base portion and the first lateral portion” such that “a portion of the second lateral portion is visible through the aperture.” However, the aperture in Ramsburg is depicted by element 19, which is in the alleged equivalent of the second lateral portion. Accordingly, it is impossible for “a portion of the

second lateral portion [to be] visible through the aperture” as the aperture is in the second lateral portion.

Moreover, modification of the asserted equivalents of the base portion, first lateral portion, and second lateral portion as elements 63, 64, and 65 such that element 63 is the “first lateral portion” does not cure the deficiencies of Ramsburg. In each embodiment and throughout the specification, Ramsburg discloses a telephone debit card (depicted as element 24) adhered to a sheet 41, wherein a portion of the telephone debit card 24 may be visible through the cutout 19. *See* Ramsburg, col. 4, lines 35-40, 55-62. At no point is the second lateral portion, or any portion of the sheet 41 visible through the cutout 19. Ramsburg does not disclose the claim recitation of a data card assembly “wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position.”

Applicants note that Ramsburg is particularly confusing in that it discloses adhering a telephone debit card 24 to a sheet 41, wherein at least a portion of the telephone debit card is visible through the a cutout 19 in the sheet 41; and also discloses a “representation/simulation” of the telephone debit card 54. *See* Ramsburg, col. 5, lines 54-62. However, a thorough reading of Ramsburg reveals no point in time in which any portion of a base portion, first lateral portion, or second lateral portion is visible through the cutout 19.

Accordingly, Applicants respectfully submit that Ramsburg does not disclose, teach, or suggest the claim elements of claim 1 and the Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn.

B. Dependent Claims 2-19 Are Not Anticipated By Ramsburg

Applicant submits that claims 2-19 are all directly or indirectly dependent on claim 1, which has been shown to be patentable over the cited reference. The Applicant therefore submits that claims 2-19 must also be patentable over Ramsburg and should be allowed. The Applicant therefore respectfully requests that the rejection of claims 2-19 be withdrawn.

C. Independent Claim 19 Is Not Anticipated By Ramsburg

1. Claim 19

Claim 19 as amended recites, *inter alia*, “a second lateral portion containing indicia relating to a data card...wherein at least a portion of the second lateral portion is detachably connected to the base portion, and wherein the at least a portion of the second lateral portion comprises a data card.” Additionally, similar to claim 1, claim 19 recites, *inter alia*, a foldable data card assembly “wherein at least one of the base portion and first lateral portion contain an aperture and wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position and the first lateral portion is in the covering position.”

2. Ramsburg

Ramsburg discloses an assembly for a telephone debit card formed by folding a sheet of paper into three panels, one of which has a cutout with adhesive adjacent to it. The cutout is positioned such that a portion of the telephone debit card can be visible during processing to allow verification.

3. Ramsburg Does Not Disclose, Teach, or Suggest Claim 19

Applicants respectfully submit that Ramsburg does not disclose, teach, or suggest Claim 19 of the present invention, for at least two reasons.

First, claim 19 as amended recites a foldable data card assembly wherein “at least a portion of the second lateral portion is detachably connected to the base portion, and wherein the at least a portion of the second lateral portion comprises a data card.” Ramsburg does not disclose, teach, or suggest this element. Ramsburg discloses a sheet 41 that a telephone debit card 24 may be adhered to. *See* Ramsburg, col. 4, lines 41-57; Figure 3. In contrast, the present application discloses and claims a data card that is formed as part of the second lateral portion. *See, e.g.*, Paragraphs [0013], [0015], [0018]; Figures 1a, 1b, and 2 (element 130), Figures 5a and 5b (element 535), Figure 6 (element 630); claim 19.

Second, as in claim 1, claim 19 recites a foldable data card assembly “wherein at least one of the base portion and first lateral portion contain an aperture and wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position and the first lateral portion is in the covering position.” As discussed more thoroughly above in regards to claim 1, Ramsburg does not disclose this element for at least two reasons. Ramsburg does not disclose an aperture wherein at least a portion of the second lateral portion is visible through an aperture, since all that is visible through the aperture of Ramsburg is the telephone debit card 24 that is adhered to the sheet 41. Second, it is impossible for any portion of the asserted second lateral portion equivalent 63 to be visible, through the aperture 19, as the aperture 19 is in the asserted in second lateral portion equivalent 63.

Accordingly, Applicants respectfully submit that Ramsburg does not disclose, teach, or suggest the claim elements of claim 19 and the Applicants respectfully request that the rejection of claim 19 under 35 U.S.C. 102(b) be withdrawn.

35 U.S.C. 103(A) REJECTIONS

A. Claim 11 is not Unpatentable Over Ramsburg In View of Stimson et al., U.S. Patent 5,511,114

Claim 11 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ramsburg in view of U.S. Patent No. 5,511,114 to Stimson et al. (“Stimson”). Claim 11 is indirectly dependent on claim 1, and the above Amendment and Remarks show that Ramsburg does not teach the required limitations of claim 1. The Applicant therefore respectfully submits that since the base claim (claim 1) of dependent claim 11 has been shown allowable, then claim 11 must also be allowable over Ramsburg.

The teachings of Stimson, even if combined, do not cure the deficiencies of Ramsburg. Specifically, Stimson does not teach, disclose or suggest “wherein a portion of the

second lateral portion is visible through the aperture when the second lateral portion is in the stowed position and the first lateral portion is in the covering position” as required by base claim 1. The Applicant respectfully submits that claim 11 is patentable over the cited reference combination. The Applicant therefore requests the rejection of claim 11 be withdrawn.

NEW CLAIM 20

New claim 20 has been added by present amendment. Applicants respectfully submit that new claim 20 is fully supported by the specification, and does not present any new matter. In general, new claim 20 is a combination of claims 1 and 3, and further clarifies that at least a portion of a second lateral portion comprises a data card.

Applicants respectfully submit that for at least the reasons discussed above with regards to claims 1-19, claim 20 is not anticipated by Ramsburg, or by Ramsburg in view of Stimson.

III. CONCLUSION

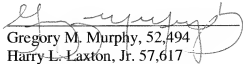
For all the reasons set forth above, it is respectfully submitted that all outstanding rejections and have been overcome or rendered moot. Further, all pending claims are patentably distinguishable over the prior art of record. All amendments are supported by the specification and claims as originally filed. Applicant accordingly submits that these claims are in a condition for allowance. Reconsideration and allowance of all claims are respectfully requested.

Authorization is hereby granted to charge or credit the undersigned's Deposit Account No. 08-3436 for any fees or overpayments related to the entry of this Amendment, including any extension of time fees and new claims fees.

Respectfully submitted,

Date: January 18, 2007

By:


Gregory M. Murphy, 52,494
Harry L. Laxton, Jr. 57,617
Attorneys for Applicant
Telephone: (804) 788-7365
Facsimile: (804) 343-4912

Please Direct all Correspondence to:
J. Michael Martinez de Andino, Esq.
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219-4074